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Attorneys for Petitioner
GREGORY CALVIN SMITH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY CALVIN SMITH,

Petitioner,

v.

ROBERT AYERS, Warden,
San Quentin State Prison,

Respondent.

NO. 3:04-cv-03436-CRB

DEATH PENALTY CASE

**~~PROPOSED~~ ORDER GRANTING
EQUITABLE TOLLING OF FILING
DATE FOR PETITION FOR WRIT OF
HABEAS CORPUS**

This court hereby orders that Petitioner GREGORY SMITH be granted a period of equitable tolling of the limitations period contained in 28 U.S.C. § 2244(d)(1), for 1565 days, to and including November 23, 2009, by which time petitioner shall file his petition for writ of habeas corpus in this Court.

Dated: December 16, 2008


CHARLES R. BREYER
United States District Court Judge